

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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*In re* KELLEY/HURD/KELLEY-HURD, Minors.

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DEPARTMENT OF HEALTH AND HUMAN  
SERVICES,

UNPUBLISHED  
September 13, 2016

Petitioner-Appellee,

v

No. 331467  
Washtenaw Circuit Court  
Family Division  
LC No. 15-000073-NA

BRANDY LANAE KELLEY, also known as  
BRANDY LANAE HURD,

Respondent-Appellant.

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Before: Talbot, C.J., and O'CONNELL and OWENS, JJ.

PER CURIAM.

Respondent-mother, B. Kelley, appeals as of right the trial court's order terminating her parental rights to her three minor children. Kelley contends that termination was not in the children's best interests. We affirm.

**I. FACTUAL BACKGROUND**

Kelley's rights to four of her previous minor children were terminated after a case involving substance abuse. Kelley subsequently gave birth to the three minor children involved in this case. Children's Protective Services found the children in a home where Kelley was manufacturing methamphetamine. The Department of Health and Human Services (DHHS) sought termination at the initial dispositional hearing. Kelley participated in only two drug screens, stopped visiting the children, and failed to appear at the bench trial.

Following a bench trial at which Kelley failed to appear, the trial court found that statutory grounds supported terminating Kelley's parental rights. It also found that termination was in the children's best interests. Weighing several factors, the trial court found that the children were strongly bonded to Kelley but that the bond was not always healthy, that the children were placed with relatives, that the children required a stable environment free of methamphetamine, and that Kelley had shown unwillingness in the case to address her problems.

The trial court ordered Kelley's parental rights terminated and placed the children with their father.

## II. STANDARD OF REVIEW

The trial court must order the parent's rights terminated if it finds from a preponderance of evidence that termination is in the children's best interests. *In re Moss*, 301 Mich App 76, 83; 836 NW2d 182 (2013). This Court reviews for clear error the trial court's determination regarding the children's best interests. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). A finding is clearly erroneous if, after reviewing the entire record, we are definitely and firmly convinced that the trial court made a mistake. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

## III. ANALYSIS

Kelley contends that the trial court erred by terminating her parental rights to the children because they were strongly bonded, she was able to parent the children, and her struggles would have diminished if the trial court gave her an opportunity to work on her substance abuse issues. We disagree.

To determine whether termination of a parent's parental rights is in a child's best interests, the court should consider a wide variety of factors that may include "the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted). The trial court may also consider "a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *In re White*, 303 Mich App 701, 714; 846 NW2d 61 (2014).

Even if the parent and children are strongly bonded, if there is a serious dispute about whether a parent has a healthy bond with the children, termination may be in the children's best interests. See *In re CR*, 250 Mich App 185, 196-197; 646 NW2d 506 (2001), overruled in part on other grounds by *In re Sanders*, 495 Mich 394, 422-423 (2013). In this case, the trial court found that Kelley and the children were bonded. However, it also found that when Kelley was engaged in drug use, that bond was not healthy for the children. The record evidence supported its findings. Kelley's substance abuse led to her manufacturing methamphetamine in the house where the children were. Detective Brad Rogeau of the LАWNET narcotics team testified that manufacturing methamphetamine is a dangerous process with caustic ingredients that can explode, catch on fire, and release hazardous fumes into the atmosphere. Additionally, Kelley kept the materials on the floor, within reach of the children and to which the children were exposed. We are not definitely and firmly convinced that it made a mistake when it gave mixed weight to the children's bond with Kelley.

Kelley also contends that the children's placement with relatives should have weighed against termination. The trial court's factual findings concerning the child's best interests are factually inadequate if the child is placed with a relative but the trial court does not consider that factor when considering the child's best interests. *In re Mays*, 490 Mich 993, 994; 807 NW2d

307 (2012). In this case, the trial court noted that “[a]s to respondent mother, . . . the fact that there is a relative placement with the father’s side of the family is a factor . . . that weighs against termination.” Kelley’s belief that the trial court improperly failed to weigh the children’s placement with relatives is mistaken.

Considering the full record evidence, we are not convinced that the trial court erred when it determined that terminating Kelley’s parental rights was in the children’s best interests. Kelley has a long history of substance abuse and her rights to her four previous children were terminated on that basis. She continued to engage in substance abuse around the children, going to the lengths of utilizing a dangerous process to manufacture a substance in the house in which her children lived. Kelley did not engage in services and avoided the termination process. Kelley failed to appear at hearings, including the hearing at which her rights were ultimately terminated, and failed to visit with her children. The trial court’s findings that the children deserved permanency and stability, and that Kelley was not likely to improve, were not clearly erroneous.

We affirm.

/s/ Michael J. Talbot  
/s/ Peter D. O’Connell  
/s/ Donald S. Owens